

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	CASE NO. CR 05 – 273 RSM
)	
Plaintiff,)	
)	
v.)	DETENTION ORDER
)	
TERRY EZELL,)	
)	
Defendant.)	
_____)	
UNITED STATES OF AMERICA,)	CASE NO. CR 21-062 RSM
)	
Plaintiff,))	
)	
v.)	
)	
TERRY EZELL,)	
)	
Defendant.)	
_____)	

There are charges pending against defendant in two separate cases in this court. This order directs that he be detained in each of the cases, pending resolution of both.

Defendant was sentenced in 2008 for possession of cocaine base with intent to distribute. After serving a term of imprisonment, he began a term of supervised release on January 21, 2020. The U.S. Probation Office charges him with two violations: being a felon

01 in possession of a firearm, on April 7, 2021; and failing to report for drug testing on March 3,
02 2021. Defendant has denied both charges, and is awaiting an evidentiary hearing before Chief
03 Judge Martinez on May 21, 2021..

04 Defendant was also charged by complaint with the offense of felon in
05 possession of a firearm. That complaint was replaced by an indictment filed today (April 21,
06 2021), alleging the same offense.

07 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
08 based upon the factual findings and statement of reasons for detention hereafter set forth,
09 finds that no condition or combination of conditions which defendant can meet will
10 reasonably assure the appearances of defendant as required and the safety of other persons
11 and the community.

12
13 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- 14 (1) The memorandum from the U.S. Probation Office describes in detail an
15 incident in January, 2021 in which a person identified as defendant Ezell
16 chased another man, threatening him while brandishing a pistol. The incident
17 was captured on surveillance cameras. A pistol of very similar appearance was
18 later recovered from the apartment where defendant lived with his girlfriend.
- 19 (2) Where a person is in custody on charges that he has violated conditions of
20 supervised release, "...the burden of establishing by clear and convincing
21 evidence that the person will not flee or pose a danger to any other person or to
22 the community rests with the person." Fed. R. Crim. Proc. 32.1(a)(6).

01 Defendant's showing falls far short of that standard. Basically, he has argued
02 simply that he has not been found guilty of the alleged violations. In fact, the
03 grand jury has found probable cause to believe that he committed the very
04 conduct which is the subject of one of the alleged violations of supervised
05 release.

06 (3) The court also gives significant weight to the comments by the Pretrial
07 Services Officer that the agency regards defendant as presenting a very
08 significant danger to their officers. They are very reluctant to have any
09 personal contact with him, either in an electronic monitoring context or in the
10 conduct of any other supervision responsibilities.

11 (4) The court should detain him as a danger to others. The government's showing
12 is not sufficient, however, to find that defendant presents a significant flight
13 risk.

14 (5) The same facts would strongly support an order of detention in the case where
15 defendant has been indicted. But because defendant must be detained in the
16 case charging violations of supervised release, the issue is moot in the
17 indictment case. This order should be filed in both cases.

18
19 It is therefore ORDERED:

- 20
21 1. Defendant shall be detained pending trial and committed to the custody of the
22 Attorney General for confinement in a correction facility separate, to the extent

01 practicable, from persons awaiting or serving sentences or being held in custody
02 pending appeal;

03 2. Defendant shall be afforded reasonable opportunity for private consultation with
04 counsel;

05 3. On order of the United States or on request of an attorney for the Government, the
06 person in charge of the corrections facility in which defendant is confined shall deliver
07 the defendant to a United States Marshal for the purpose of an appearance in
08 connection with a court proceeding; and

09 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel
10 for the defendant, to the United States Marshal, and to the United States Pretrial
11 Services Officer.

12 DATED this 21st day of April, 2021.



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14 John L. Weinberg
15 United States Magistrate Judge
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